

THURSDAY, MARCH 28, 1991

TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jack Goodwin, Indian Hills Baptist Church, Gallatin, Tennessee.

Representative Randall Stamps led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 28, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, April 1, 1991**: House Bill(s) No(s). 341, 483, 484, 485, 486, 1334, 689, 417, 615, 837, 838, 840, 1049, 1057 and 1237; also, House Joint Resolution(s) No(s). 118, 120 and 121.

PHILLIPS, Chair.

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**CONSENT CALENDAR**

**House Resolution No. 0031** -- Memorials, Death -- Judge Robert James Holt, Jr.

**\*House Joint Resolution No. 0170** -- Naming and Designating -- Ramp Festival Day, May 5, 1991.

**House Joint Resolution No. 0175** -- Memorials, Sports -- Shelly Sexton-Liakonis, Coach, Clinton High School girls' varsity basketball team.

**House Bill No. 1539** -- Shelbyville -- Enacts hotel/motel tax.

**House Bill No. 1545** -- Bedford County -- Authorizes joint levy of hotel/motel tax in Shelbyville and Bedford County.

**House Bill No. 1546** -- Shelbyville -- Establishes commission for tourism and industrial development for Shelbyville, Bedford County and other participating municipalities.

**House Bill No. 1547** -- Wartrace -- Enacts hotel/motel tax.

**House Bill No. 1551** -- White County -- Abolishes county road department and county highway commission. Repeals Chapter 15, Private Acts of 1987, as amended.

**Senate Joint Resolution No. 0137** -- Memorials, Recognition and Thanks -- Operation Desert Star.

**Senate Joint Resolution No. 0138** -- Memorials, Retirement -- Dr. Gary J. Burchett.

**Senate Joint Resolution No. 0139** -- Memorials, Sports -- Cumberland County Elementary boys' basketball Team.

**Senate Joint Resolution No. 0140** -- Memorials, Sports -- South Cumberland Rebels football team.

**Senate Joint Resolution No. 0141** -- Memorials, Public Service -- Louise Hollimon Wooden.

**Senate Joint Resolution No. 0142** -- Memorials, Sports -- Cumberland County Elementary girls' basketball team.

**Senate Joint Resolution No. 0146** -- Memorials, Personal Achievement -- Eleanor Ford, Ms. Senior Tennessee.

**Senate Joint Resolution No. 0158** -- Memorials, Sports -- Bo Jackson.

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**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1539;** by Rep. Phillips.

**House Bill No. 1545;** by Rep. Phillips.

Under the rules, House Bill(s) No(s). 1539 and 1545 was/were placed at the foot of the calendar for Monday, April 1, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 0793 -- Agriculture --** Authorizes draining certain wetlands under general permits. Amends TCA, Title 69.

On motion, House Bill No. 793 was made to conform with Senate Bill No. 359.

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On motion, **Senate Bill No. 359**, on same subject, was substituted for House Bill No. 793.

Rep. Holt moved that **Senate Bill No. 359** be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion he withdrew.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Holt moved that **Senate Bill No. 359** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	76
Noes. . . . .	17
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kisber, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Shirley, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Anderson, Bittle, Chumney, Clark, Haley, Halteman, Hassell, Joyce, Kent, Kernell, Nuber, Odom, Peroulas Draper, Severance, Tullos, West, Williams (Shelby) -- 17.

Representatives present and not voting were: McAfee, Robinson (Hamilton) -- 2.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on **Senate Bill No. 359** and have this statement entered in the Journal.

Rep. Knight

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 359 and have this statement entered in the Journal.

Rep. Stamps

REGULAR CALENDAR, CONTINUED

\*House Bill No. 0031 -- Motor Vehicles -- Establishes procedures for inspection of motor vehicle records. Amends TCA 55-2-106.

Rep. Severance moved that House Bill No. 31 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 31 by deleting the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-2-106, is amended by designating the existing language as subsection (a) and by adding the following as new subsections (b), (c), (d), (e) and (f):

(b) All records required by Chapter 4 of this title that are kept by the department of safety, the department of revenue and the county clerk's office acting as agents of the division shall be accessible only after the person making the inspection of such public information shall personally appear and present evidence of identification and state the name of the person or organization he represents, if any. Such information shall not be available by telephonic or methods of request other than by personal appearance. The state official or agent of the clerk's office allowing the inspection shall make a record of such inspection showing the name and address of the person making the inspection and the name of any person or organization the person making the request represents, describing the evidence presented to show proof of identity, stating the date of the inspection, and describing the information that is requested or inspected. Any vehicle owner that is identified by a request from the license plate shall be specifically noted. The commissioner of the department of safety, the commissioner of the department of revenue and the county clerk are authorized to charge a reasonable fee for services so provided not to exceed two dollars

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(\$2.00) for each person or vehicle on which information is requested.

(c) The provisions of subsection (b) shall not apply to requests by personnel of law enforcement agencies and others specified by the commissioner of safety.

(d) The provision of this subsection shall not apply to any corporation or partnership that establishes to the satisfaction of the commissioner of the department of safety, the commissioner of the department of revenue or the county clerk a justification for periodically needing the names of registered owners of motor vehicles, if such corporation or partnership annually files such justification with the commissioner of the department of safety, the commissioner of the department of revenue or the county clerk, pays an annual twenty-five dollars (\$25.00) processing fee and identifies the individual (or individuals) authorized by the corporation or partnership to make such request in a manner established by the commissioner of safety, the commissioner of revenue or the county clerk.

(e) The commissioner of the department of safety, or the commissioner of the department of revenue shall so specify other parties exempt from the provision of subsection (b) by written agreement with such parties.

(f) The commissioner of the department of safety shall establish methods by which an individual may obtain the records by mail. Such records may only be obtained by mail if the requesting person submits verifiable identification as shall be specified by the commissioner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 2 as follows:

#### Amendment No. 2

Amend House Bill No. 31 in subsection (c) of the amendatory language of Section 1 of the bill, as amended, by adding the following sentence at the end thereof:

The provisions of subsection (b) shall also not apply to attorneys licensed in Tennessee who supply to

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commissioner or clerk, as applicable, with their disciplinary board registration number when making a request for information.

On motion, Amendment No. 2 was adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 31 by redesignating Section 2 to be Section 3 and by adding a new Section 2, as follows:

SECTION 2. The provisions of this act shall not apply in any county with a population of four hundred thousand (400,000) or more, according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Severance moved that House Bill No. 31 be passed on third and final consideration.

Rep. Severance moved that House Bill No. 31 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 0472 -- Sewage --** Revises dates for certain types of subsurface sewage disposal system permits. Amends TCA, Title 68, Ch. 13, Pt. 4.

On motion, House Bill No. 472 was made to conform with Senate Bill No. 278.

On motion, **Senate Bill No. 278**, on same subject, was substituted for House Bill No. 472.

Rep. Cross moved that **Senate Bill No. 278** be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 278 by deleting the language following the enacting clause in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-13-403(d), is amended by adding the following new

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subdivisions following subdivision (4) to read as follows:

( ) The eighteen inch (18") requirement of subsection (f) does not apply to systems approved under this subsection.

( ) The eighteen inch (18") requirement of subsection (f) does not apply to subdivisions approved by the commissioner prior to July 1, 1990.

SECTION 2. This act shall take effect upon becoming a law the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cross moved that **Senate Bill No. 278**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

**House Bill No. 0654 -- Workers' Compensation --** Increases lump sum payment to be made to estate of deceased employee from \$10,000 to \$12,500. Amends TCA, Title 50, Ch. 6, Pt. 2.

Rep. Clark moved that House Bill No. 654 be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . .	92
Noes. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Callicott, Haun, McAfee, Stamps -- 4.

A motion to reconsider was tabled.

**House Bill No. 0655 -- Workers' Compensation --** Increases from \$3,000 to \$4,500 amount receivable as burial expenses. Amends TCA, Title 50, Ch. 6.

Rep. Clark moved that House Bill No. 655 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	2
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Callicott, Stamps -- 2.

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Representatives present and not voting were: Garrett, McAfee, Robinson (Davidson) -- 3.

A motion to reconsider was tabled.

**House Bill No. 1053 -- Workers' Compensation --** Reduces time period in which payments must commence from fifteen to ten days. Amends TCA, Title 50.

Rep. Clark moved that House Bill No. 1053 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	13
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Bittle, Callicott, Chiles, Harrill, Haun, Hill, Joyce, McDaniel, Meyer, Severance, Stamps, Tullos, Williams (Union) -- 13.

Representatives present and not voting were: Holcomb, McAfee, Nuber -- 3.

A motion to reconsider was tabled.

**House Bill No. 1127 -- Right to Die --** Removes prohibition against directing withdrawal of nourishment or fluids in living wills and durable powers of attorney. Amends TCA 32-11-103, 34-6-204.

On motion, House Bill No. 1127 was made to conform with Senate Bill No. 914.

On motion, **Senate Bill No. 914**, on same subject, was substituted for House Bill No. 1127.

Rep. Herron moved that **Senate Bill No. 914** be passed on third and final consideration.

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Rep. Jackson moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 914 by deleting from the amendatory language of Section 1 the language "I authorize the withholding of artificially provided nourishment or fluids.", and by substituting instead the following language:

I authorize the withholding of artificially provided food, water, or other nourishment or fluids.

On motion, Amendment No. 1 was adopted.

Rep. Hassell moved the previous question, which motion prevailed.

Thereupon, Rep. Herron moved that **Senate Bill No. 914**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	72
Noes. . . . .	21
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Arriola, Bivens, Bragg, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Napier, Niceley, Nuber, Odom, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Mr. Speaker Naifeh -- 72.

Representatives voting no were: Bell, Bittle, Buck, Byrd, Crain, Davidson, Davis (Gibson), Haley, Hillis, Kent, McAfee, Meyer, Moore, Peroulas Draper, Phillips, Rhinehart, Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Windle, Wood -- 21.

Representatives present and not voting were: Armstrong, Cole, Duer, Robinson (Davidson) -- 4.

A motion to reconsider was tabled.

**\*House Bill No. 0209** -- Taxes, Severance -- Removes certain counties from exemption under severance tax law. Amends TCA 67-7-211.

On motion, House Bill No. 209 was made to conform with Senate Bill No. 351.

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On motion, **Senate Bill No. 351**, on same subject, was substituted for House Bill No. 209.

Rep. Davis (Cocke) moved that **Senate Bill No. 351** be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 351 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 67-7-211, is further amended by deleting the figure "19,500" in the column designated "not less than" and by deleting the figure "19,575" in the column designated "nor more than".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davis (Cocke) moved that **Senate Bill No. 351**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Napier -- 1.

A motion to reconsider was tabled.

**House Bill No. 1056 -- Correctional Programs -- Specifies**

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certain counties where prisoners may apply for work release. Amends TCA 41-2-128.

On motion, House Bill No. 1056 was made to conform with Senate Bill No. 589.

On motion, **Senate Bill No. 589**, on same subject, was substituted for House Bill No. 1056.

Rep. Clark moved that **Senate Bill No. 589** be passed on third and final consideration.

Rep. Jackson moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 589 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 41-2-128(c)(9), is further amended by deleting the language "The provisions of this subsection shall only apply to counties having a population of more than seven hundred thousand (700,000)", and by substituting instead the language "The provisions of this subsection shall apply to counties having a population of more than seven hundred thousand (700,000), counties having a population of not less than thirty thousand (30,000) nor more than thirty thousand one hundred (30,100) or of not less than fifteen thousand one hundred (15,100) nor more than fifteen thousand two hundred (15,200)."

On motion, Amendment No. 1 was adopted, with Rep. Turner (Hamilton) requesting to be recorded as voting no.

Rep. Jackson moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, Rep. Clark moved that **Senate Bill No. 589**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis,

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Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Hubbard -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 589 and have this statement entered in the Journal.

Rep. Hargrove

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 589 and have this statement entered in the Journal.

Rep. Coffey

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0448 -- Sexual Offenses -- Clarifies that victim of certain sexual offenses who is under certain age not accomplice. Amends TCA, Title 40, Ch. 17.**

Rep. Walley moved that House Bill No. 448 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 448 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following as a new, appropriately numbered section:

If the alleged victim of a sexual penetration or

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sexual contact within the meaning of Tennessee Code Annotated, Section 39-13-501, is less than thirteen (13) years of age, such victim shall, regardless of consent, not be considered to be an accomplice to such sexual penetration or sexual contact and no corroboration of such alleged victim's testimony shall be required to secure a conviction if corroboration is necessary solely because the alleged victim consented.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Walley moved that **House Bill No. 448**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0523** -- Election Laws -- Provides mechanism for advisory referendum in Shelby County on whether candidates for county and municipal elections be required to declare party affiliation. Amends TCA, Title 2, Ch. 13.

Rep. U. Jones moved that House Bill No. 523 be reset three weeks to the Calendar for April 18, 1991, which motion prevailed.

**House Bill No. 1282** -- State Employees -- Allows any state

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employee to file grievance under certain circumstances. Amends TCA 8-30-328.

Rep. West moved that House Bill No. 1282 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1282 by adding the following as new sentences at the end of the amendatory language of Section 1:

Grievances filed under this subsection shall be limited to the provisions of the informal procedure with the final step being the appointing authority.

Employees who are dissatisfied with the appointing authority's decision may submit such decision, with all documentation, to the Commissioner for review.

Notwithstanding any law or regulation to the contrary, the decision of the Commissioner shall be final and not subject to further review.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. West moved that **House Bill No. 1282**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.



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Representatives voting no were: Anderson, McKee -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 1282 and have this statement entered in the Journal.

Rep. McKee

REGULAR CALENDAR, CONTINUED

**House Bill No. 0418** -- Children -- Revises criteria for termination of parental rights. Amends TCA 37-1-147.

On motion, House Bill No. 418 was made to conform with Senate Bill No. 472.

On motion, **Senate Bill No. 472**, on same subject, was substituted for House Bill No. 418.

Rep. Gunnels moved that **Senate Bill No. 472** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odum, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

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**House Bill No. 1185** -- Crime, Victims of -- Requires notification to certain victims of crimes of parole or release of criminal defendants. Amends TCA, Title 40.

Rep. Wood moved that House Bill No. 1185 be passed on third and final consideration.

Rep. Wood moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1185 by deleting from the directory language of Section 1 the word and numbers "Section 40-28-107(e)" and substituting instead the word and numbers "Section 40-28-107(f)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Wood moved that **House Bill No. 1185**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 0687** -- Courts, General Sessions -- Increases jurisdictional limit in interpleader actions; prohibits impairment of unsuccessful claimant's credit. Amends TCA 19-1-121.

Rep. Bivens moved that House Bill No. 687 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 0688 -- Real Property --** Negates cause of action for failure to disclose certain information. Amends TCA, Title 66.

On motion, House Bill No. 688 was made to conform with Senate Bill No. 447.

On motion, **Senate Bill No. 447**, on same subject, was substituted for House Bill No. 688.

Rep. Bivens moved that **Senate Bill No. 447** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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**House Bill No. 0336** -- Game and Fish Laws -- Requires annual fishing fee on Lake Graham. Amends TCA 70-2-219.

On motion, House Bill No. 336 was made to conform with Senate Bill No. 360.

On motion, **Senate Bill No. 360**, on same subject, was substituted for House Bill No. 336.

Rep. Kisber moved that **Senate Bill No. 360** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Riggsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

**Senate Bill No. 1397** -- Highways, Roads and Bridges -- Clarifies responsibility for maintenance of interstate, state and public highways and bridges; limits jurisdiction of claims commission for claims of negligence. Amends TCA 9-8-307, 54-4-406, 54-4-508, 54-5-507.

Further consideration of Senate Bill No. 1397, previously considered on March 27, 1991, at which time it was substituted for House Bill No. 1265, then reset to the Calendar for March 28, 1991.

Rep. Purcell moved that **Senate Bill No. 1397** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 0411 -- Military --** Gives military reserve and national guard personnel tuition credit when called to active duty while attending state college or university.

On motion, House Bill No. 411 was made to conform with Senate Bill No. 117.

On motion, **Senate Bill No. 117**, on same subject, was substituted for House Bill No. 411.

Rep. Severance moved that **Senate Bill No. 117** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 117 by adding the following at the end of Sections 1 and 2:

credit shall be given only if the reserve or national guard student did not receive a final grade in the class or course for which tuition credit is sought.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Severance moved that **Senate Bill No. 117**, as

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amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
March 28, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 681; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0651** -- Licenses -- Enacts "Interior Designers Licensing Act". Amends TCA, Title 62, Ch. 2.

On motion, House Bill No. 651 was made to conform with Senate Bill No. 681.

On motion, **Senate Bill No. 681**, on same subject, was substituted for House Bill No. 651.

Rep. Clark moved that **Senate Bill No. 681** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Bragg moved that Amendment No. 2 be withdrawn, which motion prevailed.

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Rep. Bragg moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 681 by deleting Section 5(a)(5) in its entirety and by substituting instead the following:

All interior design programs must be accredited by the Foundation for Interior Design Education Research or a program determined by the board to be substantially equivalent to such a program; or an interior design program must be offered by an institution located in this state on the effective date of this act and the institution is accredited by the Southern Association of Colleges and Schools or licensed by the Tennessee higher education commission.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Clark moved that **Senate Bill No. 681**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	2
Present and not voting. . . . .	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Garrett, Gunnels, Haley, Halteman, Hargrove, Hassell, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Chiles, Duer -- 2.

Representatives present and not voting were: Fowlkes, Givens, Harrill, Haun, Head, Rigby -- 6.

A motion to reconsider was tabled.

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MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0409** -- Driver Licenses -- Authorizes drivers under age 21 to qualify for A and B licenses rather than C licenses under certain circumstances. Amends TCA 55-50-303.

Senate Amendment No. 1

Amend House Bill No. 409 by adding after the words "intrastate commerce" in the amendatory language of Sections 1 and 2, the following:

within one hundred (100) miles of the driver's place of employment or home terminal

Rep. Robinson (Davidson) moved that the House concur in Senate Amendment(s) No(s). 1, to **House Bill No. 409**, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Nuber moved that the rules be suspended for the purpose of introducing House Resolution No. 32 out of order, which motion prevailed.

**House Resolution No. 0032** -- Memorials, Congratulations -- Mendy Nelson. by \*Nuber.



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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Nuber, the resolution was adopted.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, April 1, 1991:

**Senate Bill No. 347:** Rep. King.

**House Bill No. 576:** Rep. Holcomb.

**Senate Bill No. 903:** Rep. West.

**SENATE BILL RETURNED**

There being no objection, Rep. King asked that the Clerk be directed to return **Senate Bill No. 161** to the Senate as requested.

**BILLS WITHDRAWN**

On motion of Rep. Davidson, **House Bill No. 169** was recalled from the State and Local Government Committee.

On motion of Rep. Davidson, **House Bill No. 169** was withdrawn from the House.

On motion of Rep. Sipes, **House Bill No. 678** was recalled from the State and Local Government Committee.

On motion of Rep. Sipes, **House Bill No. 678** was withdrawn from the House.

On motion of Rep. McDaniel, **House Bill No. 745** was recalled from the State and Local Government Committee.

On motion of Rep. McDaniel, **House Bill No. 745** was withdrawn from the House.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below,

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the prime sponsor of each having agreed to such addition:

**House Bill No. 14:** Rep(s). Sipes as prime sponsor(s).

**House Bill No. 411:** Rep(s). Givens, Herron, Love, McKee, Meyer, Rhinehart, Sipes, Stamps, Walley, Williams (Union) and Wood as prime sponsor(s).

**House Bill No. 418:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 448:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 757:** Rep(s). Davidson and McDaniel as prime sponsor(s).

**House Bill No. 793:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 1127:** Rep(s). Sipes as prime sponsor(s).

**House Bill No. 1185:** Rep(s). Hargrove, Hill and Sipes as prime sponsor(s).

**House Bill No. 1221:** Rep(s). Ferguson, Herron and Pruitt as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Head, Nuber and Wix was/were removed as sponsor(s) of **House Bill No. 1458**.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**\*House Joint Resolution No. 0176** -- Memorials, Congress -- Urges Congress to pass Federal Earthquake Insurance and Reinsurance Corporation Act. by \*Herron, \*Pinion, \*Liles, \*Kent, \*Hassell, \*Haley, \*Joyce, \*Nuber, \*Tullos, \*DeBerry, \*Byrd, \*King, \*Turner L, \*Jones R, \*Chumney, \*Kernell, \*Shirley, \*Jones U, \*Dixon, \*Williams K.

Referred by the Speaker to the Conservation and Environment Committee.

**House Joint Resolution No. 0178** -- Memorials, Public Service -- Reading is Fundamental, Inc., 25th anniversary. by \*Peroulas Draper, \*Severance, \*Tindell, \*Bittle, \*Armstrong, \*Hill, \*Davis J K.

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Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0160** -- Memorials, Sports -- Shelbyville High School girls' basketball team, State AAA champions.

Referred by the Speaker to the Calendar and Rules Committee.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1563, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1563** -- Coon Dog Laws -- Permits training of coon dogs year round in Obion County. Amends TCA 70-4-122. by \*Pinion.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1560** -- Franklin -- Revises charter. Amends Chapter 79, Acts of 1903, as amended. by \*Callicott.

Passed first consideration.

**House Bill No. 1561** -- Carroll County -- Authorizes West Carroll Special School District to issue bonds to retire existing obligations. Amends Chapter 209, Private Acts of 1984, as amended. by \*Herron.

Passed first consideration.

**House Bill No. 1562** -- Rossville -- Creates new charter. Amends Chapter 520, Acts of 1903, as amended. by \*Walley.

Passed first consideration.

**REPORT OF DELAYED BILLS COMMITTEE  
March 28, 1991**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be

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introduced: House Bill(s) No(s). 1524, 1536 and 1544.

Jimmy Naifeh, Speaker  
Bill Purcell  
John Chiles

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0711** -- Equalization Board -- Prohibits certain persons from serving on Shelby County board of equalization. Amends TCA, Title 67. (HB 1323).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1000** -- Home Improvement Contractors -- Redefines "home improvement"; revises membership of home improvement commission; abolishes Home Improvement Guaranty Fund. Amends TCA, Title 62, Ch. 37. (HB 0823).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1285** -- Schools, Private -- Requires certain church related home schools to supply student information to department of education. Amends TCA 49-6-3050. (HB 0998).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1554** -- Moscow -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1555** -- Robertson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1556** -- Ardmore -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**March 28, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules

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Committee: House Bill(s) No(s). 1554, 1555 and 1556.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
March 28, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 1, 1991**: House Joint Resolutions No(s). 178; House Bill(s) No(s). 1554, 1555 and 1556; also, Senate Joint Resolution(s) No(s). 160.

PHILLIPS, Chair.

**SIGNED  
March 28, 1991**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 28, 29 and 30.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
March 28, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1550; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS  
March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 1550; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED  
March 28, 1991**

The Speaker announced that he had signed the following: House

**THURSDAY, MARCH 28, 1991 -- TWENTY-EIGHTH LEGISLATIVE DAY**

Bill(s) No(s). 1550.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**March 28, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1550; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s) 1550; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1546, 1547 and 1551; also, House Joint Resolution(s) No(s). 170 and 175; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 654, 655 and 1053; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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**MESSAGE FROM THE GOVERNOR**

**March 28, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1550; also, House Joint Resolution(s) No(s). 93; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**March 28, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 13, 104, 105, 147, 314, 346 and 1213; also, Senate Joint Resolution(s) No(s). 129, 130, 132, 133, 134, 135, 136, 145 and 156; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 28, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 263, 779, 1532, 1533, 1538 and 1543; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 28, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 147, 150, 151, 152, 153, 154, 155, 156 and 169; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 448, 687, 1185 and 1282; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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**ENROLLED BILLS  
March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 263, 779, 1532, 1533, 1538 and 1543; House Resolution(s) No(s). 31 and 32; also, House Joint Resolution(s) No(s). 98, 147, 150, 151, 152, 153, 154, 155, 156 and 169; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
March 28, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 147, 148, 149, 152, 153 and 154; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0147 --** Memorials, Public Service -- Dan W. Spence. by \*Womack.

**Senate Joint Resolution No. 0148 --** Memorials, Public Service -- Linda Dell Bailey Bussart, Teacher. by \*Womack.

**Senate Joint Resolution No. 0149 --** Memorials, Public Service -- Minnie Pearl Jurnett. by \*Davis E, \*Ford, \*McKnight, \*Harper, Cooper.

**Senate Joint Resolution No. 0152 --** Naming and Designating -- "Buy America" Month, July 1991. by \*Burks, \*Hicks, McKnight, Cooper, Patten.

**Senate Joint Resolution No. 0153 --** Naming and Designating -- "Vietnam Veterans Week," November 11-17, 1991. by \*Burks, \*Hicks, \*Hamilton, Womack, Patten, Cooper, McKnight.

**\*Senate Joint Resolution No. 0154 --** Naming and Designating -- "Police Memorial Week," May 12-18, 1991. by \*Burks, Hicks, Darnell, Crutchfield, Gilbert, Patten, McNally, Cooper, McKnight.

**MESSAGE FROM THE SENATE  
March 28, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 514, 629, 638, 989, 1021, 1203, 1273, 1295, 1314,



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1373, 1418, 1465, 1471 and 1521; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0514** -- Public Funds and Financing -- Expands reporting requirements for qualified public depositories. Amends TCA, Title 9, Ch. 4, Pt. 5. by \*Henry.

**\*Senate Bill No. 0629** -- County Government -- Enacts "Charter Government Unification Act". Amends TCA, Title 7. by \*Atchley, \*Koella, \*Gilbert.

**\*Senate Bill No. 0638** -- Insurance Companies, Agents, Brokers -- Empowers certain committees to delegate authority to resolve insurance benefit disputes. Amends TCA, Title 8, Ch. 27. by \*Darnell.

**\*Senate Bill No. 0989** -- Sunset Laws -- Extends termination date of public health council. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 1. by \*Hicks.

**\*Senate Bill No. 1021** -- Election Laws -- Requires notice of office sought on qualifying petition. Amends TCA, Title 2. by \*Kyle.

**\*Senate Bill No. 1203** -- Correctional Programs -- Provides for community based alternatives to incarceration and probation eligibility. Amends TCA 40-35-303, 40-36-106. by \*Kyle.

**\*Senate Bill No. 1273** -- Utilities, Utility Districts -- Authorizes NES board to set fees to be charged for providing copies of computer generated maps to public. Amends TCA, Title 7, Ch. 52. by \*Hicks.

**\*Senate Bill No. 1295** -- Hospitals and Health Care Facilities -- Creates exemption from CON process for replacement hospital facility. Amends TCA, Title 68, Ch. 11. by \*Rochelle.

**Senate Bill No. 1314** -- Correctional Programs -- Authorizes commissioner to use inmate labor to construct prison facilities. Amends TCA, Title 41. by \*Kyle.

**\*Senate Bill No. 1373** -- Taxes, Amusement -- Authorizes imposition of local amusement tax in Knoxville and Knox County. Repeals Chapter 776, Private Acts of 1947. by \*Atchley, \*Gilbert.

**Senate Bill No. 1418** -- Taxes, Gasoline, Petroleum Products -- Penalizes late filing of documentation of petroleum products shipped outside state by reducing tax credit by 5 percent increments for each month past filing deadline. Amends TCA 67-3-910. by \*Cooper.

**\*Senate Bill No. 1465** -- Metropolitan Government -- Authorizes certain legislative bodies to establish fees to be charged for

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provision of computer generated maps. Amends TCA, Title 10, Ch. 7. by \*Hicks.

**Senate Bill No. 1471** -- Aircraft and Airports -- Authorizes metropolitan governments to establish airport noise mitigation programs. Amends TCA, Title 7, Ch. 13. by \*Hicks, Haynes.

**\*Senate Bill No. 1521** -- Eminent Domain -- Authorizes acquisition of certain properties by condemnation or eminent domain for certain preservation purposes in Scott and Campbell counties. Amends TCA 11-14-401, 407. by \*McNally.

**ENROLLED BILLS**

**March 28, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 409; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**March 28, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 263, 409, 779, 1532, 1533, 1538 and 1543; House Joint Resolution(s) No(s). 98, 147, 150, 151, 152, 153, 154, 155, 156 and 169; also, House Resolution(s) No(s). 31 and 32.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**March 28, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 13, 104, 105, 147, 314, 346 and 1213; also, Senate Joint Resolution(s) No(s). 129, 130, 132, 133, 134, 135, 136, 145 and 156.

**MESSAGE FROM THE GOVERNOR**

**March 28, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 187, 617, 660, 730, 1044, 1104, 1257, 1322, 1516 and 1541; also, House Joint Resolution(s) No(s).

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132, 133, 134, 135, 136, 145, 159, 160 and 163; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 1, 1991.